

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN PARKER,

Plaintiff,

CIVIL ACTION NO. 06-10564

v.

DISTRICT JUDGE ROBERT H. CLELAND

SERGEANT R. CASSA, *et al.*,

MAGISTRATE JUDGE VIRGINIA M. MORGAN

Defendants.

ORDER

This case is a prisoner civil rights action filed *pro se*. Before the court are the following motions: (1) Plaintiff's Motion to Enter Default Against the Defendant's [sic] for Failure to Answer or Defend; and (2) Defendants' Motion for Protective Order Staying Discovery. The court, having considered the motions and responses and being otherwise fully advised,

HEREBY ORDERS:

- (1) that plaintiff's motion for entry of default is **DENIED**. Defendants' answers are not due until May 15, 2006. Thus, there is no basis for entry of a default at this time;
- (2) that defendants' motion for a stay of discovery is **GRANTED**. Defendants assert that they will be filing a motion to dismiss based upon plaintiff's alleged failure to exhaust his administrative remedies prior to filing suit. It would be inefficient to proceed with discovery

prior to the resolution of such a motion. Should the court deny that motion, plaintiff may proceed with discovery in accordance with the Federal Rules of Civil Procedure.

Dated: May 4, 2006

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

The undersigned certifies that on May 4, 2006 the foregoing *order* was served upon counsel of record via the Court's ECF System and via U. S. Mail to:

Brian Parker #224176
Jackson Men's Correctional Facility
4010 Cooper Street
Jackson, MI 49201-9037

s/J Hernandez
Case Manager to
Magistrate Judge Virginia M. Morgan